

CHALOS, O'CONNOR & DUFFY, LLP.
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SUNTECH CORPORATION FCZO.
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08 CV 5761
JUDGE RAKOFF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X
SUNTECH CORPORATION FCZO.,

Plaintiff,

08 CV _____ ()

v.

GUJARAT AMBUJA EXPORTS LTD.,

Defendant.
-----X

**ATTORNEY'S
DECLARATION THAT
DEFENDANT CANNOT
BE FOUND WITHIN THE
DISTRICT**

This Declaration is executed by the attorney for the plaintiff, SUNTECH CORPORATION FCZO. (hereinafter "SUNTECH"), in order to secure the issuance of a Summons and Process of Maritime Attachment and Garnishment in the above-entitled, *in personam*, admiralty cause.

Pursuant to 28 U.S.C. § 1746, Owen F. Duffy, Esq., declares under penalty of perjury:

1. I am a partner of the firm Chalos, O'Connor & Duffy, LLP, attorneys for plaintiff SUNTECH in this case.

2. I have personally inquired, or have directed inquires into, the presence of defendant GUJARAT AMBUJA EXPORTS LTD. (hereinafter "AMBUJA") in this District.

3. I have personally checked with the office of the Secretary of State of the State of New York, using the Secretary of State's Division of Corporations database, and I have determined that, as of June 26, 2008, the defendant AMBUJA is not incorporated pursuant to the laws of New York, is not qualified to conduct business within the State of New York, and has not nominated agents for the service of process within New York because the Secretary of State of the State of New York has no records for AMBUJA.

4. I have inquired of AT&T Yellow Pages telephone directory whether the defendant AMBUJA can be found within this District. AT&T Yellow Pages telephone directory has advised me that AMBUJA does not have any telephone number listings within this District.

5. I have further consulted with several other telephone directories on the internet, and I have found no telephone listings or addresses for defendant AMBUJA within this District.

6. I have further made several searches on the internet with various search engines and maritime websites, and I have found no indication that the defendant AMBUJA can be found within this District.

7. In that I have been able to determine that defendant AMBUJA is not based in this District, and I have found no indication that AMBUJA can be found within this District, I have formed a good faith belief that AMBUJA does not have sufficient contacts or business activities within this District to defeat maritime attachment under

Rule B of the Supplemental Rules for Admiralty or Maritime Claims as set forth in the Federal Rules of Civil Procedure.

8. It is my belief, based upon my own investigation that the defendant AMBUJA cannot be found within this District for the purposes of Rule B of the Supplemental Rules for Admiralty or Maritime Claims as set forth in the Federal Rules of Civil Procedure.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Port Washington, New York
June 26, 2008

CHALOS, O'CONNOR & DUFFY, LLP.
Attorneys for Plaintiff,
SUNTECH CORPORATION FCZO.

By: _____



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